

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON  
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z05-0024 ON  
SEPTEMBER 7, 2005, PROPERTY LOCATED AT 5270 GREENLAND ROAD**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on March 20, 2007 at 7:00 p.m. as follows:

**SECTION 1.** That the condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on September 7, 2005, for petition Z05-0024 that rezoned property from the R-3 (Single Family Dwelling) District to the CUP (Community Unit Plan) District be changed for the property located at **5270 Greenland Road**, consisting of a total of approximately 19.822 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 68 of the 17<sup>th</sup> District, Fulton County, Georgia by the attached legal description; and

**SECTION 2.** That the variance(s), as listed in the attached conditions of approval, be approved under the provisions of Section 22.9 of the Zoning Ordinance of the City of Sandy Springs; and

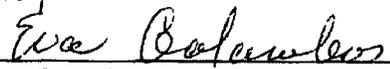
**SECTION 3.** That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

**SECTION 4.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

**SECTION 5.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

**ORDAINED** this the 20<sup>th</sup> ay of March, 2007.

Approved:

  
Eva Galambos, Mayor

Attest:

  
Christina Rowland, CMC, City Clerk

(Seal)



CONDITIONS OF APPROVAL

**ZM07-001/CV07-004**  
**5270 Greenland Road**

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z05-0024 and ZM06-005, with regard to the above referenced property currently zoned currently zoned CUP (Community Unit Plan District). Zoning modification petition ZM07-001/CV07-004 was approved by the Mayor and City Council at the March 20, 2007 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Single family detached dwellings and accessory uses and structures.
  - b. No more than 32 total dwelling units at a maximum density of 1.61 dwelling units per acre, whichever is less, based on the total acreage zoned. Approved lot/unit totals are not guaranteed. The developer is responsible through site engineering (at the time of application for a Land Disturbance Permit) to demonstrate that all lots/units within the approved development meet or exceed all the development standards of the City of Sandy Springs. The total lot/unit yield of the subject site shall be determined by this final engineering.
  - c. Provide a minimum lot size of 10,000 square feet.
  - d. The minimum heated floor area per dwelling unit shall be a minimum of 3,000 square feet for lots adjacent to the perimeter common area and a minimum of 2,800 square feet for the remainder.
2. To the owner's agreement to abide by the following:
  - a. To a revised site plan to be received by the Department of Community Development. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards therein, and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
  - b. All areas which are not part of an individual lot and held in common shall be accessible via dedicated roadways, easements, sidewalks, etc. and shall be maintained by a mandatory homeowners association, whose proposed documents of incorporation shall be submitted to the Director of Community Development for review and approval prior to the recording of the first final plat.
3. To the owner's agreement to the following site development considerations:

- a. The minimum design standards are:

Minimum lot width at building line: 40 feet

Minimum front yard: 10 feet

Minimum side corner yard: 10 feet

Minimum rear yard: 15 feet (10 feet of which is to be an improvement setback for properties along the perimeter of the project)

Minimum side yard: 0 feet

Minimum Building Separation: 14 feet

- b. Provide a natural buffer, common area which is not a part of any lot, undisturbed except for approved access and utility crossings, improvements, and replantings where sparsely vegetated and subject to the approval of the Fulton County Arborist, adjacent to the following property lines and in the widths shown:

25 feet wide along the entire length of the north, south, and west property lines with no improvement setback; except for a 12 foot encroachment into the buffer area by Detention Ponds #6 and 7 as shown of the site plan received by the Department of Community Development dated February 8, 2007.

- d. Provide a natural, undisturbed open space/common area on the east side of the property as shown on the site plan referenced in condition 2.a. Replant where sparsely vegetated subject to the approval of the City of Sandy Springs Arborist. Allow approved access and utility crossings, detention facilities, and nature paths in the common area.
- e. No fencing is allowed in the common areas referenced in conditions 3.b., 3.c., or 3.d., except as required around detention facilities and swimming pool.
- g. No more than one (1) exit/entrance on Greenland Road. Curb cut location and alignment are subject to the approval of the City of Sandy Springs Traffic Engineer.
- i. No garage shall be visible from the street.
- j. To the removal four (4) specimen trees (Tree #2, 3, 7 and 9) as shown of the site plan received by the Department of Community Development dated February 8, 2007 (CV07-004).
- k. To encroach into the critical root zone of five (5) specimen trees (Tree #1, 4, 5, 6, and 8) as shown of the site plan received by the Department of Community Development dated February 8, 2007 (CV07-004).
- l. To encroach into the critical root zone of four (4) specimen trees (Trees #1, 5, 6, and 8) as shown of the site plan received by the Department of Community Development dated February 8, 2007 (CV07-004).

- m. To allow portions of Detention Ponds #3 and 4 to encroach into the required twenty-five (25) foot impervious setback and the fifty (50) foot City stream buffer as shown of the site plan received by the Department of Community Development dated February 8, 2007 (CV07-004).
  - n. To delete the required twenty (20) foot landscape strip around the proposed detention facilities (CV07-004).
  - o. To delete the required twenty (20) foot wide continuous access easement around the proposed detention facilities (CV07-004).
  - p. To allow portions of two (2) of the proposed detention facilities to encroach into the required twenty-five (25) foot impervious setback and the fifty (50) foot City stream buffer (Chapter 14, Article 6, Section 5, *Land Development Requirements*).
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Dedicate at no cost to the City of Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:  
  
25 feet from the centerline of Greenland Road.
  - b. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development to the City of Sandy Springs Traffic Engineer at the concept review phase.
5. To the owner's agreement to abide by the following:
- a. Prior to submitting the application for a (LDP) with the Department of Environment and Community Development, Development Review Division, arrange to meet with the City of Sandy Springs Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
  - b. Prior to submitting the application for an LDP, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the City of Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP.
  - c. Prior to submitting the application for an LDP, the developer/engineer shall contact the Department of Community Development and arrange to meet on-site with an engineer, who is responsible for review of Storm Water Concept Plan submittals.

- d. Prior to submitting the application for an LDP, the developer and/or engineer shall submit to the SWMP, through the Department of Community Development, a project Storm Water Concept Plan. This concept plan shall indicate the preliminary location of the storm water management facilities intended to manage the quality and quantity of storm water. The concept plan shall specifically address the existing downstream off-site drainage conveyance system(s) that the proposed development surface runoff will impact, and the discharge path(s) from the outlet of the storm water management facilities to the off-site drainage system(s) and/or appropriate receiving waters. As part of the Storm Water Concept Plan submittal, a preliminary capacity analysis shall be performed by the engineer on the off-site drainage system(s) points of constraint. The capacity analysis shall determine the capacity of all existing constraint points, such as pipes, culverts, etc. from the point of storm water discharge at the proposed development site boundary downstream to the confluence of the receiving drainage course at a point where the drainage area is at least ten times the proposed development site area and the next downstream drainage area having a drainage area of fifty acres or more. The critical capacity points shall be selected based upon the engineer's field observation, professional judgment, and limited field survey data. The analysis shall identify the downstream properties pre and post-development 100-year water surface elevations, and for any post-development water surface elevation increase exceeding 0.05 feet, the developer shall acquire the applicable offsite drainage easement to accommodate the 100-year storm flow through impacted properties. Where Fulton County has completed a model of the basin, it shall be used by the developer in the analyses.
- e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, such that the discharge from the storm water management facility outlet crosses a property line, such discharge shall mimic pre-development sheet flow conditions. A description of the method proposed to achieve post-development sheet flow conditions shall be provided as part of the Storm Water Concept Plan. Should the method to achieve sheet flow across an external property line be unsuccessful, the developer shall acquire an easement(s) from the point of discharge to a point down gradient at a live dry weather stream sufficient to contain the 25 year storm flow or other location as approved by the Director of Community Development or his/her designee. This condition will not apply when the storm water management facility is designed and approved to discharge directly to a stream or watercourse.
- f. A draft of the Inspection and Maintenance Agreement required by Fulton County Code Section 26-278 shall be submitted to the Department of the Community Development with the Storm Water Concept Plan.
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- g. The Inspection and Maintenance Agreement shall provide that all storm water management/detention facility outlet control structures shall be inspected, photographed, and cleaned, if necessary, on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that the design engineer shall prepare an operation and maintenance guidance document, for use by the owner and/or any professionals retained by the owner, to plainly describe the basic operational function of the facility(ies), including a description of a permanent marker

post(s) which shall indicate that the level of sediment which, if exceeded, requires sediment removal. The Inspection and Maintenance Agreement shall require an annual operation and maintenance report for all storm water management/detention facilities be prepared by a licensed design professional and submitted to the SWMP. The annual report shall include monthly inspections, photographs, and documentation of the cleaning of storm water management/detention facilities outlet control structure(s) as well as an operational assessment of the facilities indicating that they do, or do not, function as described in the design guidance document (described above), and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended.

- h. The required Inspection and Maintenance Agreement shall be recorded with the Clerk of Superior Court prior to issuance of an LDP, Grading Permit, or Building Permit associated with the development.
- i. The engineer/developer is required to submit, along with the application for an LDP, signed documentation verifying approval of the Storm Water Concept Plan.
- j. Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the storm water management facilities shall be designed to reduce pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A general description, or concept, of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan. A detailed design of such facilities shall be included in applicable documents for a land disturbance permit.
- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of those existing natural streams, creeks, or draws within the proposed development boundary which in the design engineer's judgment are at risk of erosion due to increased flow, provide a description of the basis utilized in judging areas to be at risk, and provide details on the Storm Water Management Plan of the post-development channel bank protection measures.
- l. The developer/engineer shall demonstrate to the City of Sandy Springs by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions for the 1-year frequency storm event, up to and including the ten (10)-year frequency storm event.
- m. Drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. The Storm Water Concept Plan shall identify any proposed areas with incidental and minor release of storm water not conveyed to such facilities, subject to the approval of the Director of Public Works. Plans for any land disturbance permit shall show all proposed drainage patterns for the proposed development after its completion. Any incidental release of unmanaged or untreated storm flows from any disturbed portion of the developed property shall be allowed only with the approval of the Director of Public Works. Other than minimal

incidental flows shall be specifically approved by the Director of Public Works. Bypass flows will not be permitted except from undisturbed areas within a buffer or other protected easement. Final plans shall provide for collection, conveyance and treatment of all approved incidental flows from developed lots or parcels, individual residences or building structures.

- n. Storm water management facility(ies) volumes shall be designed to achieve water quality treatment, channel protection, over bank flood protection and extreme flood protection, in accordance with the Georgia State Storm water Manual, except that the duration of release for water quality treatment shall be 48 hours.

LEGAL DESCRIPTION (Entire purchased area – Adams + Wells)

2nd sheet  
2007004

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 68 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE POINT FORMED BY THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF ELDEN DRIVE AND THE EASTERLY RIGHT OF WAY LINE OF ELDEN DRIVE (50' R/W); THENCE RUN ALONG SAID EASTERLY RIGHT OF WAY LINE OF ELDEN DRIVE IN A NORTHWESTERLY DIRECTION A DISTANCE OF 180.10 FEET TO THE TRUE POINT OF BEGINNING.

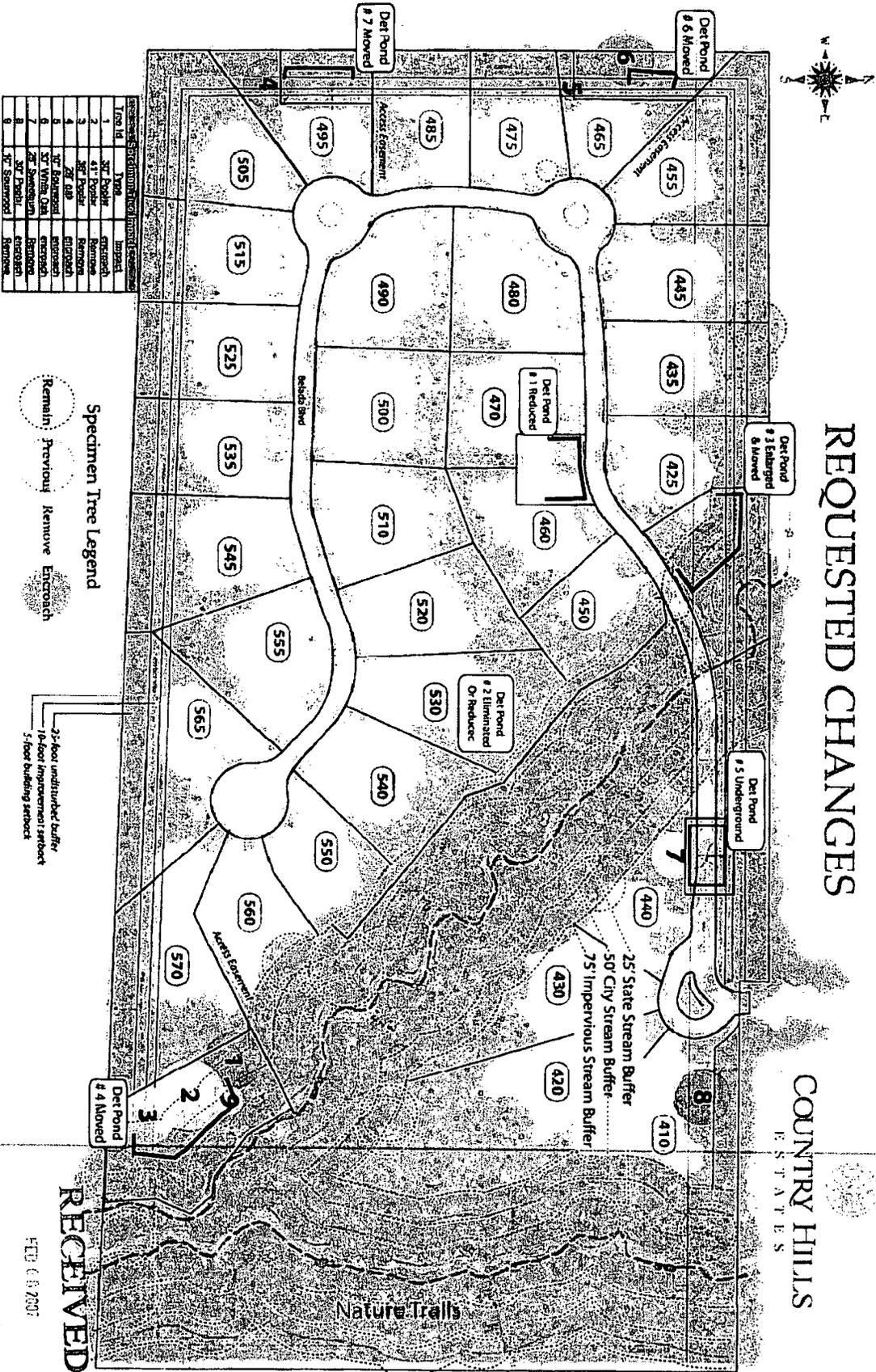
THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, RUN NORTH 87 DEGREES 42 MINUTES 39 SECONDS WEST A DISTANCE OF 25.02 FEET TO A POINT LOCATED ON THE CENTERLINE OF THE PORTION OF UNIMPROVED ELDEN DRIVE; THENCE RUN NORTH 00 DEGREES 01 MINUTES 42 SECONDS WEST A DISTANCE OF 637.97 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE AND RUN SOUTH 89 DEGREES 39 MINUTES 58 SECONDS EAST A DISTANCE OF 25.00 FEET TO AN IRON PIN FOUND; THENCE SOUTH 89 DEGREES 39 MINUTES 58 SECONDS EAST A DISTANCE OF 430.21 FEET TO AN OPEN TOP PIPE FOUND; THENCE SOUTH 89 DEGREES 32 MINUTES 19 SECONDS EAST A DISTANCE OF 513.85 FEET TO AN OPEN TOP PIPE FOUND; THENCE SOUTH 00 DEGREES 46 MINUTES 02 SECONDS WEST A DISTANCE OF 24.83 FEET TO A POINT; THENCE SOUTH 89 DEGREES 40 MINUTES 52 SECONDS EAST A DISTANCE OF 401.37 FEET TO A POINT; THENCE SOUTH 00 DEGREES 16 MINUTES 28 SECONDS EAST A DISTANCE OF 659.01 FEET TO A POINT; THENCE NORTH 87 DEGREES 42 MINUTES 39 SECONDS WEST A DISTANCE OF 1348.99 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 896,342 SQUARE FEET.

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# REQUESTED CHANGES

COUNTRY HILLS  
H. S. T. A. T. E. S.



Lot ID	Type	Impact
1	Soil Erosion	Removal
2	Soil Erosion	Removal
3	Soil Erosion	Removal
4	Soil Erosion	Removal
5	Soil Erosion	Removal
6	Soil Erosion	Removal
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8	Soil Erosion	Removal
9	Soil Erosion	Removal
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100	Soil Erosion	Removal

## Specimen Tree Legend

- Remain
- Previous
- Remove
- Entrench

- 25-foot undisturbed buffer
- 50-foot improvement setback
- 5-foot building setback

RECEIVED

City of Sandy Springs  
Community Development

FILED 6/8/2021